

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
MARK ANDERSON)	FOIA Control No. 2014-564
)	
On Request for Inspection of Records)	
)	
)	
)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: January 9, 2015**Released: January 13, 2015**

By the Commission:

I. INTRODUCTION

1. By this memorandum opinion and order, we deny an application for review¹ filed by Mark Anderson (Anderson) seeking review of a decision² by the Wireline Competition Bureau (WCB) concerning his Freedom of Information Act (FOIA) request.³ We find that Anderson has shown no error in WCB's Decision.

II. BACKGROUND

2. Anderson's request sought records or information "regarding the owners of the intellectual property rights of all existing telephone numbers on or about (1901-1934) or present day ownership."⁴ The Request also posed a question: "Who owns the intellectual property rights of all existing telephone numbers."⁵

3. WCB responded that its search did not identify any documents responsive to Anderson's Request.⁶ WCB further explained that the FOIA provides a vehicle for obtaining access to government records, not for posing questions to an agency.⁷ WCB suggested that Anderson might direct his questions to Neustar, Inc. (Neustar), the North American Numbering Plan Administrator.⁸

¹ See Letter from Mark Anderson to Jonathan Sallet, General Counsel (Sept. 25, 2014) (AFR).

² See Letter from Kirk S. Burgee, Chief of Staff, Wireline Competition Bureau to PSI (Sept. 19, 2014) (Decision).

³ See email from PSI to FOIA@fcc.gov (Jun. 24, 2014) (Request).

⁴ See *id.* at 1.

⁵ See *id.*

⁶ See Decision at 1.

⁷ See *id.*

⁸ See *id.* The provisions of 47 U.S.C. § 251(e)(1) direct the Commission to create or designate an entity to administer telecommunications numbering for the United States portion of the North American Numbering Plan (NANP), which covers the United States, Canada, and some Caribbean countries. Neustar, Inc. is the current

4. In his AFR, Anderson asks: “How is it possible that nobody within the entire FCC not know [sic] who owns the Telephone numbers that the Telco companies are issuing out to consumers [throughout] and beyond the United States of America. . . . The FCC should know or should have known who owns all telephone numbers in existence.”⁹ In addition, Anderson asks: “can you please send me any points and authorities that reference anything about private companies like Neustar being governed by FOIA.”¹⁰

III. DISCUSSION

5. Anderson’s Request appears to seek general reference material concerning the history and administration of telephone numbering or information regarding legal issues that he believes are associated with numbering administration. Such reference material can be obtained from publicly available sources, including the websites of the Commission, Neustar, and other entities, as well as general legal and other resources. As WCB correctly pointed out, the purpose of the FOIA is to provide access to government records that are not routinely available to the public.¹¹ WCB searched for non-public Commission records that would be responsive to Anderson’s request, and found none.¹² That was all that it needed to do. The Commission is not required to answer questions or conduct research in response to a FOIA request.¹³ For the same reason, we decline to prepare “points and authorities” for Anderson about the status of Neustar under the FOIA.¹⁴

IV. ORDERING CLAUSE

6. IT IS ORDERED that the application for review filed by Mark Anderson IS DENIED. Anderson may seek judicial review of this action pursuant to 5 U.S.C. § 552(a)(4)(B).¹⁵

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NANP administrator. The Commission has adopted rules regarding numbering in 47 C.F.R. Part 52. General information on this subject may be found at <http://www.nanpa.com/>; <http://www.neustar.biz/about-us/news-room/press-releases/2012/neustar-awarded-north-american-numbering-contract-for-a-third-term>; <http://www.fcc.gov/encyclopedia/north-american-numbering-plan-general-management-and-oversight>.

⁹ See AFR at 1-2.

¹⁰ See *id.* at 2.

¹¹ See *Marilyn Cameron*, 28 FCC Rcd 700, 701 ¶ 5 (2013) (affirming determination that records that are routinely available for public inspection are not subject to release under the FOIA).

¹² Telephone numbers are governed by a statutory and regulatory regime that is separate and different from the laws governing intellectual property rights. It is thus not surprising that we do not have the kind of records that Anderson requests. See *generally* sources cited in n.8, above.

¹³ See, e.g., *Landmark Legal Foundation v. EPA*, 272 F.Supp.2d 59, 64 (D.D.C. 2003) (“[A]n agency is not required ‘to answer questions disguised as a FOIA request’. . . . [A]n agency need not conduct research in response to a FOIA request”) and cases cited therein.

¹⁴ We note that, while WCB did say that Anderson might wish to contact Neustar in connection with his inquiry, WCB did not suggest that Mr. Anderson could or should submit a FOIA request to Neustar.

¹⁵ We note that as part of the Open Government Act of 2007, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect Anderson’s right to pursue litigation. Anderson may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov

(continued....)

7. The officials responsible for this action are the following: Chairman Wheeler and Commissioners Clyburn, Rosenworcel, Pai, and O’Rielly.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

(Continued from previous page) _____
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